Daf Notes is currently being dedicated to the neshamah of

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May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

We have learnt: The bank around a cistern, or a rock, that is ten tefachim high belongs to the gallery, but if it is lower it belongs to the courtyard![1] — Rav Huna replied: [The meaning is], to those who dwelt on the gallery.[2] This may be a satisfactory explanation in the case of the rock;[3] what, however, can be said as regards a cistern?[4] — Rav Yitzchak son of Rav Yehudah replied: We are here dealing with the case of a cistern that was full of water.[5] But is it not[6] being diminished?[7] — Since the use of the cistern is permitted when full it is also permitted when some of the water is wanting. On the contrary! Since Its use would be forbidden when it is not full should it not also be forbidden when full? Rather, explained Abaye, we are here dealing with a cistern that was full of fruit. Might not these also be diminished?[8] — [It is a case] where they are tevel.[9] A textual deduction leads to the same conclusion: Since it has been put on a par with rock.[10] This is conclusive. But[11] why should it be necessary to mention both cistern and rock? — Both are required. For if we had been informed of the law in the case of the rock only, the ruling might have been presumed to apply to that alone, since no preventive measure in that case could be called for, but that in the case of a cistern a preventive measure should be enacted, since it might sometimes be full of properly prepared fruit,[12] hence both were required.

Come and hear: If the tenants of a courtyard and the tenants of the upper story forgot to prepare a joint eiruv,[13] the former may use the lower ten tefachim[14] and the latter may use the

[1] Gallery is assumed to mean the tenants of the upper story (for whom the gallery is a means of approach to their houses) who can use the bank or the rock by lowering their things, while the tenants of the courtyard can use it only by thrusting their things up to it. Now since it is ruled that the former may use the bank etc. doesn't an objection arise against Rav who maintained that in such circumstances the two groups of tenants impose restrictions upon each other?

[2] And not in the upper story.

[3] Which, being more or less on a level with the balcony and easily accessible to its tenants, may well be assigned for their use.

[4] Whose bottom cannot he reached even by the tenants of the gallery except by lowering their buckets while the tenants of the courtyard can use it only by means of thrusting their buckets into it across its bank. Now since in this case of thrusting by the latter and of lowering by the former the use of the bank was granted to the former, the objection again arises against Rav who in such circumstances maintained that both groups of tenants are forbidden access.

[5] The surface being more or less on a level with the gallery and therefore easily accessible to its tenants. Hence its assignment to the gallery.

[6] By the using up of the water near the surface.

[7] In consequence of which the tenants of the gallery would have to lower their buckets. Why then should the use of the cistern be permitted even in that case?

[8] By the removal of some of the fruit.

[9] Such may not be moved from their place on the Shabbos.

[10] Which cannot be reduced on the Shabbos by mere use. Both standing in juxtaposition they must be assumed to be on a par.

[11] If it is to be assumed that the cistern was full of fruit that cannot be diminished on the Shabbos as a rock that cannot be diminished.

[12] Which may be handled on the Shabbos and which might, therefore, be removed during the Shabbos day.

[13] But each group prepared one for itself.

[14] Since these are easily accessible to them, while to the tenants of the upper story they are inaccessible except by the lowering of their objects into that level.

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upper ten tefachim.[15] In what circumstances? If a bracket[16] projected from the wall at a lower altitude than ten tefachim it is assigned to the courtyard, but if it was higher than ten tefachim[17] it is assigned to the upper story. Thus it follows, does it not, that the space intervening[18] is forbidden?[19] — Rav Nachman replied: Here we are dealing with the case of a wall nineteen tefachim high,[20] from which a bracket projected. If [it projected] at a lower altitude than ten tefachim, it is easily accessible to the one [group of tenants][21] while to the other [group it is only accessible] by means of lowering their things,[22] but [if it projected] at a higher altitude [than ten tefachim] it is easily accessible to the latter while to the former [it is accessible only] by means of thrusting.[23]

Come and hear: If two balconies were situated[24] [in positions] higher than each other[25] and a partition[26] was made[27] for the upper one[28] but not for the lower one restrictions are imposed on the use of both[29] until all their tenants have joined in one eiruv![30] — Rav Adda bar Ahavah replied: This is a case where the tenants of the lower balcony come[31] to fill their buckets by way of the upper one.[32] Abaye replied: This is a case where the balconies were situated within ten tefachim from each other,[33] but[34] the ruling is to be

[15] In this case access is easy to the tenants of the upper story while to those of the courtyard it is accessible only by thrusting.

[16] Four tefachim in width.

[17] This is now assumed to mean that the bracket was higher than ten tefachim measured from the upper story downwards in the direction of the ground of the courtyard.

[18] Between the ten tefachim from the ground and ten tefachim from the upper story.

[19] Because access to it is equally difficult to both groups of tenants. Those of the upper story can use it only by lowering their things, while those of the courtyard can use it only by thrusting up their things. This ruling being in agreement with Rav's view, does not an objection arise against Shmuel?

[20] So that no space intervened between the lower ten and the upper ten tefachim.

[21] Lit., 'to this (as if) by a door', Sc. the tenants of the courtyard can easily use that space that is not higher than ten tefachim.

[22] Hence the ruling that the use of the bracket 'is assigned to the courtyard'.

[23] Its use must consequently be granted to the tenants of the upper story.

[24] On the same wall at the sea-shore above the water.

[25] Being nevertheless drawn away from each other in a manner that left a space of less than four tefachim between them and thus enabling persons on the lower balcony to draw their water by throwing a bucket into a hole in the floor of the upper balcony.

[26] Round a hole, four tefachim wide, in the floor of the balcony through which water is to be drawn from the sea.

[27] Jointly by the tenants of both balconies.

[28] A partition round such a hole, though in relation to the sea it is a suspended one, is deemed to extend downwards and penetrating to the bed of the sea and forming a private domain through which the water of the sea may be taken up in buckets to the balcony. In the absence of such a device the movement of water or any other objects from the sea which has the status of a karmelis into the balcony which has that of a private domain is forbidden on the Shabbos.

[29] Neither the tenants of the upper balcony may draw water from the sea through the hole nor may those of the lower one throw their buckets into that hole to draw water through it.

[30] In the absence of a joint eiruv the hole within the partition remains a mixed domain belonging to two different groups of tenants who impose restrictions upon each other and is, therefore, forbidden to both. Now here it is a case of use by lowering on the part of the tenants of the upper balcony and by thrusting on the part of those of the lower one, and yet it was ruled that both groups are forbidden; how then could Shmuel maintain that access is granted to 'the tenants that can use it by means of lowering'?

[31] By means of a ladder.

[32] So that both groups of tenants use the hole in exactly the same manner both lowering and none thrusting their buckets.

[33] Sc. the position of the upper balcony was by less than ten tefachim higher than the lower, in consequence of which there can be no existence for a third domain between the two, the use of which should be allowed to the one or the other of these two adjacent domains. A third domain of such a character is possible only where the two adjacent domains were separated from each other by a trench, or a wall that was ten tefachim deep or high or by a space of similar height.

[34] In reply to the possible objection: If the prohibition of the use of the hole is due to the proximity of the balconies and not to the manner in which use of it was made, why was the ruling limited to the case where 'a partition was made for the upper one seeing that the same ruling should apply even where it was made for the lower one?

understood to be in the form of 'not only but': Not only where a partition was made for the lower one and none for the upper one are both forbidden, since, owing to the fact that they are situated with tell tefachim from each other, their tenants impose restrictions upon each other, but even where the partition was made for the upper, and none was made for the lower,[35] in which case it might have been assumed that, owing to the fact that its use is convenient for the former and difficult for the latter, it should be assigned to those to whom its use is convenient, hence we were informed that, since they are situated within ten tefachim from, they also impose restrictions upon each other;[36] as is the ruling in the case Rav Nachman cited in the name of Shmuel: If a roof[37] adjoins a public domain[38] a permanent ladder is required to render it permissible for use.[39] Thus it is only a 'permanent ladder' that effects permissibility but not an occasional one;[40] but why?[41] Obviously because on account of the fact that they are situated within ten tefachim from each other, the people in them impose restrictions upon each other. Rav Pappa demurred: Is it not possible that this applies only to a roof on which many people are in the habit of putting down their hats and scarves?[42] (84a – 84b)

DAILY MASHAL

Accepting the Torah on Another's Behalf

When the Jewish people were granted the Torah on Har Sinai, they accepted it on their own behalf, and on behalf of all future generations. According to some opinions, the souls of all future generations, and of all the converts who would ever be, were also present to accept the Torah. However, in regard to the covenant sealed by Moshe Rabbeinu, in which the Jewish people agreed to accept the reward for mitzvos and the punishment for aveieros, the *possuk* seems to imply that they were not there: "Not with you alone do I seal this covenant and this warning, but with whoever is here… and with whoever is not here with us today" (Devarim 29:13-14).

The Yismach Moshe (parshas Vayera) asks based on our Gemara, that one may act on another's behalf without his consent only to his benefit, but not to his disadvantage. Our forefathers could accept Moshe's blessing for their descendants who would perform the mitzvos, but how could they accept his curse for those who would transgress? He explains that the blessings and curses were placed upon us as a united nation. The tzaddikim among us represent the most vital aspect of our people. For them, Moshe's offer of reward and punishment would certainly be beneficial, and therefore it would be beneficial for us as a nation as well.

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[35] So that the tenants of the former use it by lowering and the tenants of the latter use it by thrusting.

[36] Thus indicating that in such a case the manner of use is of no consequence.

[37] That was less than ten tefachim high.

[38] On one of its sides, while on its other sides it adjoins a courtyard.

[39] By the tenants of the courtyard. Though a ladder cannot effect the permissibility of a karmelis the roof which is a private domain within, and is consequently no proper karmelis, may well be rendered permissible by connecting it with a permanent ladder with the courtyard.

[40] Though even such an occasional ladder facilitates the use of the roof by the tenants of the courtyard to whom the roof is thereby much more easily accessible than to the people in the public domain who have not the use of even an occasional ladder.

[41] Sc. in view of the fact that even an occasional ladder facilitates the use of the roof by the courtyard tenants why shouldn't the use of the roof be permitted to them?

[42] Sc. though they cannot conveniently put upon it any heavy loads, they can well use it for putting down light objects such as hats which on a hot day people usually put down there while they rest and cool themselves. As the use of the roof is thus equally accessible to, and convenient for both the people in the public domain and those in the courtyard, a permanent ladder is justifiably required if the roof (an imperfect karmelis) is to be permanently connected with the courtyard and disconnected from the public domain. This ruling, therefore, cannot be adduced as a support for Abaye's submission.